



25 JUL 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

In re Application of YOKOYAMA et al	:	
U.S. Application No.: 10/542,358	:	
PCT Application No.: PCT/JP03/16579	:	DECISION
Int. Filing Date: 24 December 2003	:	
Priority Date Claimed: 17 January 2003	:	
Attorney Docket No.: 273117US0PCT	:	
For: COMPOSITION FOR FORMING A	:	
SILICON-ALUMINUM FILM. . .	:	

This is in response to the "Renewed Request for Status Under 37 C.F.R. §1.42" filed 15 June 2006.

BACKGROUND

On 24 December 2003, applicant filed international application PCT/JP03/16579, which claimed priority of an earlier Japan application filed 17 January 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 05 August 2004. The thirty-month period for paying the basic national fee in the United States expired on 17 July 2005.

On 14 July 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1), an executed declaration, and a request for status under 37 CFR 1.42.

On 30 May 2006, this Office mailed a decision dismissing the 14 July 2005 request for status.

On 15 June 2006, applicant filed the present renewed request for status under 37 CFR 1.42.

DISCUSSION

The declaration filed 14 July 2005 states that joint inventor Yasuaki Yokoyama is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

37 CFR 1.69(b) states,

Unless the text of any oath or declaration in a language other than English is in a form provided by the Patent and Trademark Office or in accordance with PCT Rule 4.17(iv), it must be accompanied by an English translation together with a statement that the translation is accurate, except that in the case of an oath or declaration filed under § 1.63, the translation may be filed in the Office no later than two months from the date applicant is notified to file the translation.

In the present case, the declaration filed 14 July 2005 meets the requirements of 37 CFR 1.497(b)(2). Furthermore, the declaration satisfies 37 CFR 1.69(b) in that applicant has provided a statement that the translation contained in the declaration is accurate.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 24 December 2003, and a date under 35 U.S.C. 371(c) of 14 July 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459